



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
REUBEN BAHAR
For: METHOD AND SYSTEM FOR CONFIRMING
PROPER RECEIPT OF E-MAIL TRANSMITTED
VIA A COMMUNICATIONS NETWORK
Serial No. 09/978,224
Filed: 10/16/01

PATENT
) Art Unit: 2143
) Examiner: A. Bilgrami
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)
)
)
)
) March 22, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF EDGAR W. AVERILL, JR.

I, Edgar W. Averill, Jr., declare as follows:

1. I am licensed to practice before the United States Patent Office, Registration No. 24,752, and am the attorney responsible for the prosecution of the above-identified patent application.
2. My office did not receive a copy of the Office Action issued in this matter mailed January 13, 2005. I request that a new Office Action with a new mailing date be issued.
3. Attached hereto is a Declaration of my secretary, Dixie Bullington,, who receives and sorts the office mail.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 22, 1999, at Whittier, California.



The image shows a handwritten signature in black ink. The signature reads "Edgar W. Averill, Jr." It is written in a cursive style with a long, sweeping flourish extending from the end of "Averill" towards the right edge of the page. Below the signature, the name "Edgar W. Averill, Jr." is printed in a smaller, more formal font.

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Sir:

DECLARATION OF DIXIE BULLINGTON

I, Dixie Bullington, declare as follows:

That I am employed by the law firm of Averill & Varn and am the paralegal for Edgar W. Averill, Jr., the attorney of record for the applicant herein.

That I am the person responsible for receiving and sorting the mail in our office and am also responsible for calendaring all of the follow-up dates. I never received a copy of the Office Action mailed January 13, 2005.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are

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I declare under penalty of perjury that the foregoing is true and correct. Executed on March 22, 1999, at Whittier, California.

Dixie Bullington
DIXIE BULLINGTON